

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 926

FINAL READING

Introduced by Rogert, 16; Coash, 27; Dubas, 34; Fischer, 43; Gay, 14.

Read first time January 13, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to highways; to amend sections 39-204,
2 39-205, and 39-210, Reissue Revised Statutes of Nebraska;
3 to redefine terms; to change requirements for a
4 specific information sign panel; to provide minimum
5 requirements for farm wineries as prescribed; to change
6 requirements for tourist-oriented directional sign
7 panels; to harmonize provisions; and to repeal the
8 original sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-204, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-204 (1) Signs, displays, and devices giving specific
4 information of interest to the traveling public shall be erected
5 by or at the direction of the Department of Roads and maintained
6 within the right-of-way at appropriate distances from interchanges
7 on the National System of Interstate and Defense Highways and from
8 roads of the state primary system as shall conform with the rules
9 and regulations adopted and promulgated by the department to carry
10 out this section and section 39-205. Such rules and regulations
11 shall be consistent with national standards promulgated from time
12 to time by the appropriate authority of the federal government
13 pursuant to 23 U.S.C. 131(f).

14 (2) For purposes of this section, specific information of
15 interest to the traveling public shall mean only information about
16 camping, lodging, food, attractions, and motor fuel and associated
17 services, including trade names.

18 (3) The minimum service that is required to be available
19 for each type of service shall include:

20 (a) Motor fuel services including:

21 (i) Vehicle services, which shall include fuel, oil, ~~tire~~
22 ~~repair~~, and water;

23 (ii) Restroom facilities and drinking water;

24 (iii) Continuous operation of such services for at least
25 sixteen hours per day, seven days per week, for freeways and

1 expressways and continuous operation of such services for at least
2 twelve hours per day, seven days per week, for conventional roads;
3 and

4 (iv) Telephone services;

5 (b) Attraction services including:

6 (i) An attraction of regional significance with the
7 primary purpose of providing amusement, historical, cultural, or
8 leisure activity to the public;

9 (ii) Restroom facilities and drinking water; and

10 (iii) Adequate parking accommodations;

11 ~~(b)~~ (c) Food services including:

12 (i) Licensing or approval of such services, when
13 required;

14 (ii) Continuous operation of such services to serve ~~three~~
15 at least two meals per day, seven ~~six~~ days per week; and

16 (iii) Modern sanitary facilities; and

17 ~~(iii)~~ (iv) Telephone services;

18 ~~(e)~~ (d) Lodging services including:

19 (i) Licensing or approval of such services, when
20 required;

21 (ii) Adequate sleeping accommodations; and

22 (iii) Telephone services; and

23 ~~(d)~~ (e) Camping services including:

24 (i) Licensing or approval of such services, when
25 required;

- 1 (ii) Adequate parking accommodations; and
2 (iii) Modern sanitary facilities and drinking water.

3 Sec. 2. Section 39-205, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 39-205 (1) Applicants for business signs shall furnish
6 business signs to the Department of Roads and shall pay to the
7 department an annual fee for posting each business sign and the
8 actual cost of material for, fabrication of, and erecting the
9 specific information sign panels where specific information sign
10 panels have not been installed.

11 (2) Upon receipt of the business signs and the annual
12 fee, the department shall post or cause to be posted the business
13 signs where specific information sign panels have been installed.
14 The applicant shall not be required to remove any advertising
15 device to qualify for a business sign except any advertising device
16 which was unlawfully erected or in violation of section 39-202,
17 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or 39-220, any rule
18 or regulation of the department, or any federal rule or regulation
19 relating to informational signs. The specific information sign
20 panels and business signs shall conform to the requirements of
21 the Federal Beautification Act and the Manual on Uniform Traffic
22 Control Devices adopted pursuant to section 60-6,118.

23 (3) All revenue received for the posting or erecting
24 of business signs or specific information sign panels pursuant to
25 this section shall be deposited in the Highway Cash Fund, except

1 that any revenue received from the annual fee and for posting
2 or erecting such signs in excess of the state's costs shall be
3 deposited in the General Fund.

4 (4) For purposes of this section, unless the context
5 otherwise requires:

6 (a) Business sign ~~shall mean~~ means a sign displaying
7 a commercial brand, symbol, trademark, or name, or combination
8 thereof, designating a motorist service. Business signs shall be
9 mounted on a rectangular information panel; and

10 (b) Specific information sign panel ~~shall mean~~ means a
11 rectangular sign panel with:

12 (i) The word gas, food, attraction, lodging, or camping;

13 (ii) Directional information; and

14 (iii) One or more business signs.

15 (5) The department shall provide notice of space
16 available for business signs on any specific information sign panel
17 at least ninety days prior to accepting or approving the posting
18 of any business sign.

19 Sec. 3. Section 39-210, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-210 To qualify to appear on a tourist-oriented
22 directional sign panel, an activity shall be licensed and approved
23 by the state and local agencies if required by law and be open
24 to the public at least eight hours per day, five days per week,
25 including Saturdays or Sundays, during the normal season of the

1 activity, except that if the activity is a winery, the winery
2 shall be open at least twenty hours per week. The activity,
3 before qualifying to appear on a sign panel, shall provide to
4 the Department of Roads assurance of its conformity with all
5 applicable laws relating to discrimination based on race, creed,
6 color, sex, national origin, ancestry, political affiliation, or
7 religion. If the activity violates any of such laws, it shall
8 lose its eligibility to appear on a tourist-oriented directional
9 sign panel. In addition, the qualifying activity shall be required
10 to remove any advertising device which was unlawfully erected or
11 which is in violation of section 39-202, 39-203, 39-204, 39-205,
12 39-206, 39-215, 39-216, or 39-220, any rule or regulation of
13 the department, or any federal rule or regulation relating to
14 tourist-oriented directional sign panels. The tourist-oriented
15 directional sign panels shall conform to the requirements of the
16 Federal Beautification Act and the Manual on Uniform Traffic
17 Control Devices as adopted pursuant to section 60-6,118.

18 Sec. 4. Original sections 39-204, 39-205, and 39-210,
19 Reissue Revised Statutes of Nebraska, are repealed.